

# **Campground Regulations Workgroup**

## **Meeting Minutes**

### **March 3, 2014, 1:00 p.m.**

The campground section of the Public Health Code, 1978 PA 368, Part 125 (Act) has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

#### **Abbreviations**

Abbreviations used throughout the minutes and other correspondence. Other less used abbreviations will be set in the context of the location where it is used, many of which are in the Attendance following.

- Act means the campground sections of Part 125 of the Public Health Code, 1978 PA 1968 as amended
- CG means campground
- DEQ means the Michigan Department of Environmental Quality
- DNR means the Michigan Department of Natural Resources
- LHD means local health department
- Rules means the Michigan Campground Rules
- RV means recreational vehicle
- Workgroup means the Campground Regulations Workgroup

#### **Attendance**

The second meeting of the Campground Regulations Workgroup (Workgroup) convened at 1:04 p.m. Members and guests attending this meeting were:

- Nancy L. Allen, DEQ, Departmental Analyst, Campground Program
- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH)
- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR)
- David Cordray, White River Campground, representing Association of RV Parks and Campgrounds of Michigan (ARVC-MI)
- Debra Duffy, Family Campers & RVs
- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- Bob Garcia, Family Motor Coach Association
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Jim Horan, Sunnysbrook RV Resort, representing MARVAC
- Mary Kushion, Mary Kushion Consulting, via teleconference
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Carrie Monosmith, Chief, Environmental Health Section
- Eric Pessel, Environmental Health Director, Kent County Health Department, representing Michigan Association of Local Environmental Health Administrators (MALEHA)

- Bill Sheffer, Director, Michigan Association of Recreation Vehicles and Campgrounds (MARVAC)
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)

### **Guests**

- Sue Carlson, Family Campers & RVs

### **Members Absent**

- Richard A. Falardeau, P.E., DEQ, Chief, Environmental Health Programs Unit
- Rob Pirsein, P.E., Midwest Civil Engineers, PC
- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

### **Invited Stakeholders Not Present**

- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- Larry Lehman, Michigan Department of Licensing and Regulatory Affairs (LARA)
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)
- Rick Miller, State Fire Marshall, LARA Bureau of Fire Services

### **Introductions and Minutes**

After a round of introductions, DEQ staff presented a brief summary of the previous meeting and a general discussion of the goals of the workgroup. The minutes of the January 28, 2014 meeting were approved without changes. The workgroup did discuss the format of the January 28 minutes, which had details of discussion attributed to specific people. The workgroup decided that they wanted broader, more general minutes in the future rather than details with attribution. These minutes will follow the more general format.

### **Special Recognition**

After 42 years with DEQ, Nancy Allen is retiring. She has been directly involved with the campground program for the past 30 years. For the past 10 years, Nancy has been directly responsible for the CG licensing program including investigating changes and variations discovered during the licensing process. Nancy will be missed.

### **Agenda**

An outline agenda was e-mailed to workgroup members prior to this meeting. However, as there were several new members in attendance we chose to go in a different order and in a more general direction.

## **Housekeeping**

It is desired that the workgroup have the right membership. To that end DEQ staff has sent out several invitations to stakeholders who have not yet responded. These stakeholders include

- MDARD representing fairgrounds
- MAFE
- MEDC or Pure Michigan
- LARA Construction Codes and Manufactured Housing
- LARA Fire Marshall

It is very important to have input into the CG Act and rules revisions from LARA. Once we get into the details, a meeting should be tailored to LARA issues.

The CG Workgroup webpage has not yet been set up. The webpage should be up before the next meeting.

## **Act and Rules Changes**

The workgroup asked for a brief description of the difference between the Act and rules and the process of changing them. The Public Health Code, 1978 PA 368, as amended is the Act, law, or statute. Part 125 of the Act contains the portions of the law/statute related to campgrounds. The Act is the statutes that enable the CG program to exist and operate. The Act authorizes DEQ to promulgate rules to establish the details necessary to protect the public health and safety of campground users. The Act sets the licensing and construction permit fees. Only the Michigan Legislature can create or amend the law. This is done by representatives or senators introducing bills to the legislature. The law/statute is usually quite general, where rules are much more detailed and specific.

In the case of the CG program, it is important to amend the statute first. The workgroup can and should make detailed recommendations for rules changes, but these cannot proceed if the Act does not authorize them. It is important that the workgroup decide on the relevancy of the CG Program in order to make necessary changes to the Act.

Please note that Section 333.12513 of the Act authorized DEQ to appoint a CG advisory board. Details of the purpose and membership of this board were included in that section. However, Executive Order 2009-17 abolished the CG advisory board. Even though the CG advisory board has been abolished, DEQ can still establish and maintain an informal ad hoc committee. This workgroup is that committee.

When the workgroup finishes, a sponsor in the legislature will be needed to introduce a bill. The sponsor will introduce the bill and it will be referred to any one of a number of legislative committees. In order for the bill to move, it is extremely important that the workgroup be in agreement with whatever changes are made to the Act.

The rules follow a different procedure. The DEQ makes a request for rulemaking to the LARA Office of Regulatory Reinvention (ORR). Once approved, DEQ can propose to add or amend rules as necessary. The DEQ has not as yet made a request to LARA, ORR, for CG rules amendments. The DEQ considers the industry stakeholder workgroup as the most appropriate means to develop rules. This CG workgroup has been convened to recommend changes to

the CG Act and rules. But first, it is necessary for the workgroup to agree on the relevancy of the DEQ CG Program and how it should function and be sustained in the future.

### **Relevancy of the Campground Program**

In order to determine the future direction of the DEQ CG Program the workgroup discussed if the program was necessary at all and if the program was necessary, what form it would take. In general, the workgroup expressed strong support to retain and update the CG Program. The workgroup thought that having one point of contact for CG construction, licensing, and other issues was very valuable. The workgroup indicated that having a statewide approach to enforcement and regulation leads to a consistent and uniform program. Considering the example of the manufactured housing program (MHP) that was deregulated in 2006, the private sector has observed the lack of DEQ involvement has resulted in inconsistent regulation and enforcement, and failing infrastructure. This must be avoided for the CG Program in Michigan.

The workgroup suggested checking with other states to see what most do. The DEQ has already checked with several states but could use assistance from ARVC to help determine to what extent other states regulate campgrounds and determine numbers of CGs in comparison to Michigan.

The strong consensus from the workgroup was to retain the DEQ CG Program and to go forward with revising the Act and rules to maintain program effectiveness.

### **Act and Rule Comments and Issues**

The DEQ briefly explained the difference between campgrounds and children's camps. The Department of Human Services licenses children's camps. These are where children stay in dormitories while attending a camp of some type. Some children's camps also have RV sites available. If there are 5 or more sites, these must be licensed as a campground.

Concerning electrical requirements, there are now many people that reside in their RV full time, 6 months in Michigan, and 6 months elsewhere. These RVs need 50 amp service and the rules should reflect this. The CG rules are very general in terms of electrical requirements and this has always been considered a decision left up to the CG owner to determine the level of electrical service they should provide. The rules address that electrical must meet applicable codes and an outlet must serve only one RV. The workgroup is free to explore changes to this rule.

The workgroup mentioned the location of electric, water, and sewer connections. These perhaps should be required to be located according to the industry standard for RVs; on the driver's side of the RV. With the practice of placing electric and water back-to-back on the same riser and with pull through sites, there will always be some need to run cords and hoses in a less than convenient manner. The workgroup needs to discuss what health and safety problems arise from running cords and hoses under RVs or longer distances.

Related to this, having a required placement of site utility risers would depend on an RV always backing into a site. Requiring RVs to back into a site with the tongue facing the road is reportedly a fire marshal issue. (It was explained that this did not apply to a motor home which could back out of a site easily.) This is not in the CG rules. Explanation from the fire marshal is needed to determine if something like this should be included in the rules.

How is an existing CG affected when a CG rule is changed? What is the expected outcome? It is certainly possible that a new or revised rule could bring some portion of an existing CG into some form of non-compliance. Unless there is a specific public health or safety violation, new or revised rules should grandfather existing conditions that complied with the CG rules in effect when the CG was approved. An implied grandfather clause is currently followed by the CG Program. The workgroup should discuss making this into a rule.

Concerning ADA requirements, CGs are considered Title III facilities. These are public accommodations similar to hotels and motels and are required under the federal 2010 ADA Standards to provide accessible facilities and services. Barrier free design is currently administered by state and local construction codes. The workgroup should consider if section 333.12515 should be expanded to include federal codes such as ADA Standards

The DNR expressed some occasional inconsistencies by LHDs. Some DNR CGs have occasionally been inspected without contacting the CG manager. Also, occasionally, LHD staff has not left a copy of an inspection report. The DEQ contracts with the LHDs to perform annual CG inspections and should require the CG manager to be present. A copy of the inspection report should be given to the manager at the time of the inspection. The workgroup discussed the merits of announced inspections versus unannounced inspections. The strong preference is for unannounced inspections, but it was noted that this may be difficult at times for state forest campgrounds. The workgroup could look at rules, but these are procedural issues that can be worked out between DEQ, DNR, and LHDs.

Concerning potential Act and rules changes, the workgroup suggested surveying a wider audience. The ARVC and MARVAC are already doing this. The DNR could also survey their park managers.

Based on a question from the workgroup, DEQ staff explained temporary or rally campgrounds. These are simply CGs that are setup for a short duration, 14 days or less. The rules require at least 30 days between licensing periods. Although temporary infrastructure is allowed for a temporary CG, permanent infrastructure may be built under construction permits issued by DEQ. Because the cost for a temporary CG license is the same as for an annual license for a permanent CG, many temporary CGs with two or more annual events are opting to convert to permanent licenses.

The workgroup discussed how to go through the Act and rules; topic by topic, or systematically through the Act and rules. The consensus was to go through the Act and rules systematically, section by section consecutively through the Act, and rule by rule consecutively through the rules. Other than some possible tweaks to the definition and considerable discussion of fees, the remaining sections of the Act should not need much work. The final decision on Act changes will be made by the legislature. Work on the Act will need to proceed first, but it is possible that the definitions in both the Act and rules should proceed together possibly after the other sections and rules are completed.

Once completed, the workgroup will need to be prepared to address why we recommended implementation of some items and why we did not for others. It is recommended to send out "completed" workgroup recommendations for the rules to a wider audience, but before the required public hearing. This will allow comments prior to the formality of the public hearing.

## **Campground Program Budget and Fees**

Based on handouts e-mailed to the workgroup and also handed out at the meeting, staff discussed a more detailed picture of the CG Program budget. The first handout showed fund

balances for fiscal years (FY) 12, FY13, and as proposed through FY14. The second handout showed a “target scenario” for sustaining the CG Program in the future.

In FY12, program expenditures plus DEQ Cost Allocation exceeded program revenue and reduced the fund balance by about \$35K. In FY13, even though expenditures were less than revenue by using some Non-Community Water Supply (NCWS) funds, the cost allocation more than doubled further reducing the fund balance by nearly \$37K. The goal for FY14 is to keep the fund balance the same even though the cost allocation has been set at \$70K for FY14. This results in the CG Program having sufficient funds for perhaps one full time equivalent (FTE) position. The goal for a sustainable CG Program is to have 3.5 FTEs.

The DEQ Cost Allocation is how DEQ pays for administration, building rent and utilities, IT expenses, and other overhead items. The DEQ administration sets the allocation based on an “equitable” portion that depends on the size and revenue of each program. The CG Program was not assessed a cost allocation in the past. Our portion was paid for in the past by the larger programs and by general funds. Both of these sources have been removed. It is hoped that the cost allocation has stabilized, but this is not yet known.

The current FTE cost is about \$145K. The target scenario to have 3.5 FTEs for the CG Program would need \$508K to fund the program. If 40% is obtained from NCWS funds, then about \$81K additional fees would be needed from CG fees. This presumes that NCWS funds can be used at the target level, cost allocation has leveled out, and LHD annual payments do not change. The workgroup expressed interest in increasing payments to LHDs to cover more of their costs to perform CG inspections.

The workgroup expressed caution that in light of several other fees being assessed to CGs, there must be value shown for the CG license fee or it will not be acceptable. Currently, in addition to annual license fees, CGs are assessed for NCWS, sewage disposal, LHD inspections, swimming pool license fees (if they have a pool), and other fees.

### **Assignments and Future Workgroup Meetings**

After some discussion, the workgroup decided that the goal for modifying the Act should be near or before the election in November 2014 with bills being introduced during the lame duck session before the end of this year. The rules can be worked on all during this time, but still with the goal of completing work by the end of 2014.

### **Assignments**

This section of the minutes will include the names of committee members who have been assigned a specific topic to report back to the workgroup.

- DEQ will establish a website that will include all documents related to the workgroup

### **Next Meeting**

In keeping with a workgroup meeting every 4 weeks, the next meeting was set for Monday, March 31, 2014, at 1:00 p.m. in Lansing, McCauley Conference room, 4 South, Constitution Hall. The teleconference phone number, and agenda will be sent to workgroup members later.

The workgroup meeting was adjourned at 4:30 p.m.

Attachment

Respectfully submitted,  
Paul D. Sisson  
March 10, 2014